

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BASIC SOLUTIONS LTD

Plaintiff

v.

**RÍO GRANDE FOOD PRODUCTS,
INC.**

Defendant

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CASE NO. 4:20-cv-1976

DEFENDANT RÍO GRANDE FOOD PRODUCTS, INC.’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Río Grande Food Products, Inc. (“Río Grande”) hereby files this Notice of Removal and thereby removes to this Court an action that is pending in the 152nd Judicial District Court of Harris County, Texas, cause number 2020-28551. In support of this Notice of Removal, Río Grande states as follows:

I. PROCEDURAL BACKGROUND

1. On May 8, 2020 Plaintiff Basic Solutions Ltd. filed an Original Petition captioned *Basic Solutions Ltd. v. Rio Grande Food Products, Inc. d/b/a Rio Grande Food Corp.* in the 152nd Judicial District Court of Harris County, Texas, cause number 2020-28551 (the “State Court Action”).

2. The Original Petition asserted claims for breach of contract, fraud, and fraud by non-disclosure arising out of a Broker and Merchandising Services Agreement between the parties.

3. On May 21, 2020, Río Grande was served with a copy of the Original Petition.

II. VENUE

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 124(b), 1441(a), & 1446(a), because the 152nd Judicial District Court of Harris County, Texas, where the State Court Action was filed and has been pending prior to removal, is a state court within this federal district and division.

III. BASIS FOR REMOVAL

A. Amount in Controversy

5. Plaintiff seeks “monetary relief of greater \$200,000 but less than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney’s fees.” Pl.’s Orig. Pet. at 1-2. This amount exceeds the minimum amount in controversy required by 28 U.S.C. § 1332(a).

B. Diversity of Citizenship

6. Plaintiff is a Texas corporation with its principal office in Harris County, Texas. Pl.’s Orig. Pet at 2. Therefore, Plaintiff is a citizen of Texas. *See* 28 U.S.C. § 1332(c)(1).

7. Río Grande is a Maryland corporation with its principal place of business located at 8610 Cherry Lane, Suite 51, Laurel, MD 20207. Therefore, Río Grande is a citizen of Maryland. *See* 28 U.S.C. § 1332(c)(1).

C. Diversity Jurisdiction

8. Because the amount in controversy exceeds the minimum amount required by 28 U.S.C. §1332(a) and there is diversity of citizenship between the parties, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

D. Removal is Timely

9. This Notice of Removal is timely filed because it is filed within 30 days after Río Grande’s receipt of a copy of the Original Petition. *See* 28 U.S.C. § 1446(b)(1).

IV. REQUIRED PROCESS AND PLEADINGS

10. Pursuant to 28 U.S.C. § 1446(a) and Local Rule of Civil Procedure 81, Río Grande attaches all of the required documents, including: all the required pleadings in the State Court Action (Ex. A); all executed process (Ex. B); the docket sheet for the State Court Action (Ex. C); a list of all counsel of record, including address, telephone numbers, and parties represented (Ex. D); and an index of matters being filed (Ex. E).¹

11. Pursuant to 28 U.S.C. § 1446(d), a copy of the Notice of Removal and all attachments shall be promptly served on counsel for Plaintiff and the clerk of the Harris County District Court.

12. By filing this Notice of Removal, Río Grande does not waive any defense that may be available to it and reserves all such defenses. If any question arises as to the propriety of the removal of the State Court Action to this Court, Río Grande seeks to present both a brief and oral argument in support of its position that this case has been properly removed.

V. CONCLUSION

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Río Grande hereby removes this action from the 152nd Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division. Río Grande further requests any relief to which it may be justly entitled.

¹ No orders have been signed by the judge in the State Court Action. Accordingly, no such orders are submitted with this Notice of Removal.

Dated: June 4, 2020

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

/s/ Lewis A. Smith

Lewis A. Smith

Attorney-in-Charge

Texas Bar No. 24088439

S.D. Tex. ID No. 2292401

1000 Louisiana Street, Suite 4000

Houston, Texas 77002

Tel. +1.713.890.5000

Fax: +1.713.890.5001

Email: lewis.smith@morganlewis.com

Of Counsel:

J. Kevin Fee (pro hac vice forthcoming)

D.C. Bar No. 494016

Jane W. Wise (pro hac vice forthcoming)

D.C. Bar No. 1027769

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Tel. +1.202.739.3000

Fax: +1.202.739.3001

Email: kevin.fee@morganlewis.com

Email: jane.wise@morganlewis.com

**ATTORNEYS FOR DEFENDANT RÍO GRANDE
FOOD PRODUCTS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2020 a true and correct copy of the foregoing instrument was filed with the Clerk's Office using the Court's CM/ECF system and that a copy of the foregoing was served via U.S. mail and email on the following counsel of record:

Hector G. Longoria
Longoria Law Firm
642 Heights Blvd.
Houston, Texas 77007
Tel. (713) 929-3996
Fax: (713) 351-0327
Email: hector@longorialaw.com

Attorney for Plaintiff

/s/ Lewis A. Smith

Lewis A. Smith